

29 DEPARTMENT OF THE SECRETARY OF STATE

250 BUREAU OF MOTOR VEHICLES

**Chapter 168: THE ADMINISTRATION AND ISSUANCE OF USDOT NUMBERS FOR CERTAIN INTRASTATE MOTOR CARRIERS**

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**SUMMARY:** This chapter outlines the procedures and standards for the issuance administration of United States Department of Transportation (USDOT) numbers to those intrastate motor carriers qualifying under 29-A M.R.S.A. §555-A.

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**SECTION 1. DEFINITIONS**

For the purpose of this Chapter, the following terms are defined as follows:

1. APPLICATION: means the document prescribed by the United States Department of Transportation (USDOT) and the State of Maine to capture the census information required to ~~issue~~ obtain a USDOT number or update an existing USDOT number. See MOTOR CARRIER IDENTIFICATION REPORT (~~FORM MCS-150~~), MCSA-1
2. BUREAU: means the Maine Bureau of Motor Vehicles.
3. COMMERCIAL MOTOR VEHICLE: means any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle
  - A. Has ~~two axles and~~ a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), or registered gross vehicle weight exceeding 26,000 pounds, whichever is greater; or
  - ~~B. Has three or more axles regardless of weight; or~~
  - C. Is used in combination with another vehicle or vehicles and the combined gross weight or gross vehicle weight rating exceeds 26,000 pounds; or
  - D. Is designed or used to transport more than 8 passengers, including the driver, for compensation; or
  - E. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
  - F. Is used in transporting material found by the Secretary of the United States Department of Transportation (USDOT) to be hazardous under 49 U.S.C. §5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary of Transportation.

4. **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA):** means the agency of the United States Department of Transportation whose primary mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. FMCSA is responsible for developing, compiling, and enforcing interstate motor carrier safety regulations, monitoring a motor carrier's operating record and compliance with motor carrier safety regulations, and addressing operating and compliance deficiencies using various intervention methods up to and including fines and out-of-service orders.
5. **FOR-HIRE MOTOR CARRIER:** means a person engaged in the transportation of goods or passengers for compensation.
6. **GROSS VEHICLE WEIGHT (GVW):** means the actual total weight of the vehicle and load.
7. **GROSS VEHICLE WEIGHT RATING (GVWR):** means the weight rating of the vehicle and maximum load as determined by the final stage manufacturer.
8. **INTRASTATE MOTOR CARRIER:** means any person engaged in the business of transporting goods, property, or passengers by commercial motor vehicle upon any public highway between points within the State of Maine when the vehicle does not cross the state boundary line and the business is not part of commerce originating or terminating outside the State or the United States.
9. **MOTOR CARRIER:** means a for-hire motor carrier or private motor carrier. A motor carrier is responsible for the safety fitness of a commercial motor vehicle engaged in commerce on roads and highways.
10. **MOTOR CARRIER IDENTIFICATION REPORT** (**Online Form MCSA-150, formally the MCS-150**): means the **online** form used to gather the required information for the issuance of USDOT numbers or the update of existing USDOT census information.
11. **PERSON:** means an individual, corporation, firm, partnership, joint venture, association, fiduciary, trust, estate, or any other legal entity.
12. **PRIVATE MOTOR CARRIER:** means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.
13. **REGISTERED WEIGHT:** means the weight for which a vehicle is licensed or registered with the Maine Bureau of Motor Vehicles.
14. **SECRETARY:** means the Maine Secretary of State.
15. **TRUCK:** means a motor vehicle designed and used primarily to carry property. A truck may draw trailers and semitrailers.
16. **TRUCK TRACTOR:** means a motor vehicle designed and used exclusively to draw other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and the load drawn.

17. UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT): means the federal cabinet department of the United States government concerned with transportation whose mission is to ensure a fast, safe, efficient, accessible, and convenient transportation system to meet national interests.
18. USDOT NUMBER: also known as a census number, means a motor carrier identification number issued by the Federal Motor Carrier Safety Administration, as provided for under 49 C.F.R. §390.19(h)(1).

## SECTION 2. SYNOPSIS

1. The purpose of this rule is to provide for accurate, consistent motor carrier identification for law enforcement, safety enforcement, and statistical purposes and to establish and maintain legal identity for Maine intrastate carriers subject to the USDOT number provisions of 29-A M.R.S.A. §555-A and other Bureau requirements such as fuel tax licensing and reporting under 29-A M.R.S.A. §525 and for-hire insurance coverage under 29-A M.R.S.A. §1611.

## SECTION 3. COMMUNICATIONS

1. All written communications and documents should be addressed to the Bureau of Motor Vehicles, Motor Carrier Services — ~~Op Auth Unit~~, 29 State House Station, Augusta, Maine 04333-0029.
2. All communications and documents are deemed to be officially received when delivered to the ~~Operating Authority Unit~~ **Motor Carrier Services Unit** at the Bureau of Motor Vehicles' Main Office, 101 Hospital Street, Augusta, Maine.
3. Every holder of a USDOT number must use the name shown upon the holder's Motor Carrier Identification Report when addressing communications to the Secretary.
4. The contact information for the Motor Carrier Services Unit is as follows:
  - A. Telephone: (207) 624-9000 ext. 52131 or TTY: (877) 456-8195;
  - B. Fax: (207) 622-5332;
  - C. Email: [USDOT.BMV@maine.gov](mailto:USDOT.BMV@maine.gov); and
  - D. Online Information: <http://www.maine.gov/sos/bmv/commercial/>.

## SECTION 4. LEGAL NAME AND ADDRESS

1. The system requires the use of legal names and such names will be identified in part by the use of the Federal Employer Identification Number (FEIN) and in the case of individuals, the Social Security Number (SSN).

2. The legal name listed on the application must be consistent with the legal name provided on other applications for motor carrier credentials as well as with any applicable state and/or federal filings (for example: a state corporate filing).
3. An applicant may be required to rectify any legal name discrepancies before an application will be processed by the Bureau.

#### SECTION 5. CHANGE OF NAME AND/OR ADDRESS

1. A change of name, principal place of business address, or mailing address of any motor carrier must be reported to the Secretary in writing, or by facsimile or E-mail within 30 days of the change. The Secretary reserves the right to require supplemental supporting documentation on any name change. Carriers must also update their census information with the Federal Motor Carrier Safety Administration through the online form MCSA-1 within 30 days of any change to that information. This can be done at FMCSA's registration web site.
2. Any notification of a name or address change must be submitted in conjunction with an updated Form MCS-150 reporting the change or a statement that the federal census information has been updated online.

#### SECTION 6. APPLICABILITY

1. This rule applies to all intrastate motor carriers operating commercial motor vehicles.
2. Intrastate motor carriers operating commercial motor vehicles entirely within the state are required to obtain a USDOT number.

#### SECTION 7. EXEMPT VEHICLES-EXCEPTIONS

1. A person operating a commercial motor vehicle on a public way shall obtain a USDOT number to be displayed on the registration certificate for the vehicle. For purposes of this rule, the following vehicles are not considered commercial motor vehicles:
  - A. A vehicle owned and operated by a government agency;
  - B. A vehicle legally operated with dealer registration plates;
  - C. A recreational vehicle, not used in a commercial endeavor; or
  - D. A school bus as defined in 29-A M.R.S.A. §2301.

**EXCEPTION – 1.** Intrastate vehicles to which this rule applies that have a gross vehicle weight rating of 10,001 lbs. to 26,000 lbs., and that neither meet the definition of a “bus” nor transport hazardous materials, are exempt from obtaining a USDOT number.

## SECTION 8. APPLICATION FORM

1. The form used to initially apply for a USDOT number or update ~~existing~~ USDOT census information is the Federal Motor Carrier Safety Administration's Form ~~MCS-150~~ **MCSA-1** "Motor Carrier Identification Report" as revised. **This form can be found on the FMCSA's registration web site and is an online form. No paper form exists for these purposes.**
2. Information gathered on the Form ~~MCS-150~~ **MCSA-1** is required by this State and other jurisdictions to properly account for all non-exempt motor carriers operating over the highways.
3. The Bureau ~~will only~~ **cannot** process USDOT number applications for intrastate carriers operating commercial motor vehicles subject to this rule. **This process must be completed online at FMCSA's registration web site.**
4. ~~Alternatively, a~~ **The** USDOT number can be requested or updated online using the Federal Motor Carrier Safety Administration's website at <http://www.fmcsa.dot.gov/registration-licensing/registration-licensing.htm>.
5. The USDOT census information for intrastate motor carriers must be updated at least ~~bi-annually~~ **every two years**.

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## SECTION 9. DISPLAY

1. The USDOT number issued to a motor carrier will be displayed on the registration certificate for all commercial motor vehicles operated by the motor carrier and subject to this rule.
2. Intrastate, non-hazmat motor carriers are ~~not~~ required to display the USDOT number on the commercial motor vehicle, ~~but if displayed,~~ **The marking requirements can be found under 49 C.F.R. §390.21 apply.**
3. Intrastate hazmat motor carriers are required to display the USDOT number on the commercial motor vehicle as specified in 49 C.F.R. §390.21.

## SECTION 10. HEARINGS

1. In the administration of the laws relative to vehicles and operators and the operation thereof, the Secretary may conduct hearings, subpoena witnesses, administer oaths, take testimony, and order the production of books and papers. The Secretary may issue all processes necessary for the performance of these duties.
2. The fees for travel and attendance of witnesses shall be the same as for witnesses before the Superior Court and shall be paid by the State out of vehicle registration fees upon certificates of the Secretary filed with the State Controller.

3. Hearings conducted by the Secretary shall be as provided by Title 5, chapter 375, subchapter 4.

#### **SECTION 11. MISUSE**

1. Any violation of 29-A M.R.S.A. §555-A, or of these rules, or of any procedures may result in court action.

#### **SECTION 12. MUNICIPAL FISCAL IMPACT**

1. This rule will have no fiscal impact on Municipalities.
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STATUTORY AUTHORITY: 29-A MRSA §555-A.

EFFECTIVE DATE:

November 9, 1997

NON-SUBSTANTIVE CORRECTION:

December 11, 1997 - grammatical correction in F

AMENDED:

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